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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/662,917	09/15/2003	Iqbal Jami	4-2	2734

7590 05/11/2007  
Docket Administrator (Room 3J-219)  
Lucent Technologies Inc.  
101 Crawfords Corner Road  
Holmdel, NJ 07733-3030

EXAMINER

HO, HUY C

ART UNIT	PAPER NUMBER
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2617

MAIL DATE	DELIVERY MODE
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05/11/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/662,917

Applicant(s)

JAMI ET AL.

Examiner

Huy C. Ho

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-8 and 10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
  - 2) ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments with respect to **claims 1-10** have been considered but are moot in view of the new ground(s) of rejection.

### *Claim Rejections - 35 USC § 103*

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.

4. Considering objective evidence present in the application indicating obviousness or nonobviousness.
5. **Claims 1-3, 5-8 and 10** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Winberg (GB 2369003)** and further in view of **Helmerson (WO 02/067606)**.

**Consider claim 1**, (currently amended) Winberg teaches a method of transfer of a call connection connecting a telecommunications base station and a mobile user terminal between dedicated channels in both directions therebetween and shared channels in both directions therebetween (see the abstract), comprising:

determining the amount of data buffered at the base station and the user terminal for transmission therebetween and/or the rate that data arrives at the base station and user terminal for transmission therebetween (page 2 lines 20-30, page 4 lines 20-25, page 5 lines 15-30);

deciding, dependent upon said value and upon said amount or rate, to make the transfer:

wherein the decision to transfer is made dependent upon whether or not the shared channels operate such that an acknowledgement of receipt is sent on receiving data (page 1 lines 20-30, page 2 lines 20-30, pages 5 lines 5-15, wherein describing the Radio Link Control (RLC) layer is a essential part of transmitting data over the shared channel FACH/RACH, also, the switching decision is based on RLC buffer level and data throughput level, and the data transmission involving messages exchange and acknowledgement on the channel).

Winberg does not show determining a value of a measured parameter of the signals between the base station and the user terminal, the parameter being signal attenuation or propagation delay, but it is noticeable Winberg discloses multiple factors such as the data rate, traffic volume, data buffer level and data throughput level are considered for switching between shared and dedicated channels, also, the

switching process is performed based on an algorithm which uses some pre configured values (possibly changeable by an operator) (see page 2 lines 10-30, page 4 lines 1-5, 23-25). In an analogous art, Helmersen teaches determining a value of a measured parameter of the signals between the base station and the user terminal, the parameter being signal attenuation or propagation delay (see page 11 lines 27-31, page 12 lines 20-31, page 13 lines 1-3). Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify Winberg teaching by incorporating Helmersen teachings of the switching decisions are also based on path loss measurements (page 11 lines 27-31).

Consider claim 6, (currently amended) Winberg teaches a telecommunications system comprising a base station and a mobile user terminal, the base station and the user terminal being in use in call connection over dedicated channels or shared channels (see the abstract, page 3 lines 1-15),

the base station comprising decision means, a channel allocation, and a processor, the decision means being operative to control transfer of the call connection by the channel allocator between the dedicated channels and the shared channels dependent upon the amount of data buffered at the base station and the user terminal for transmission therebetween and/or the rate that data arrives at the base station and user terminal for transmission therebetween (page 2 lines 20-30, page 3 lines 28-31, page 4 lines 4-25, page 5 lines 15-30),

Winberg does not show determining a value of a measured parameter of the signals between the base station and the user terminal, the parameter being signal attenuation or propagation delay, but it is noticeable Winberg discloses multiple factors such as the data rate, traffic volume, data buffer level and data throughput level are considered for switching between shared and dedicated channels, also, the switching process is performed based on an algorithm which uses some pre configured values (possibly changeable by an operator) (see page 2 lines 10-30, page 4 lines 1-5, 23-25). In an analogous art,

Helmerson teaches determining a value of a measured parameter of the signals between the base station and the user terminal, the parameter being signal attenuation or propagation delay (see **page 11 lines 27-31, page 12 lines 20-31, page 13 lines 1-3**). Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the invention was made to modify Winberg teaching by incorporating Helmerson teachings of the switching decisions are also based on path loss measurements (**page 11 lines 27-31**).

Consider **claims 2 and 7**, a method of transfer of a call connection according to **claims 1 and 6**, Winberg, as modified by Helmerson, teaches in which for a shared channel call connection, upon the parameter value being determined as being less than a predetermined threshold, transfer is made to dedicated channels (**page 9 lines 14-30**).

Consider **claims 3 and 8**, A method of transfer of a call connection according to **claim 1 or claim 2 and claim 6**, Winberg, as modified by Helmerson, teaches in which for a dedicated channel call connection, upon the parameter value being determined as being more than a predetermined threshold, transfer is made to shared channels (**page 10 lines 4-20**).

Consider **claims 5 and 10**, A method of transfer of a call connection according to **claims 1 and 6**, Winberg, as modified by Helmerson, further teaches in which the shared channels are a Random Access Channel (RACH) and a Forward Access Channel (FACH), the base station comprises a radio network controller, and the base station and user terminal operate to transfer the call connection in accordance with the Universal Mobile Telecommunication System (UMTS) standard (**the abstract, page 3 lines 28-31, page 4 lines 12-18, page 5 lines 6-30**).

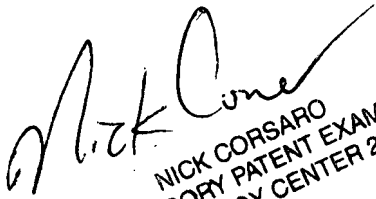
*Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huy C. Ho whose telephone number is (571) 270-1108. The examiner can normally be reached on Monday - Friday, 8:00 a.m. - 5:00 p.m., EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nick Corsaro can be reached on (571) 272-7876. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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NICK CORSARO  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600